

**Amendments to the Claims:**

This listing of the claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended) In an on-line publication ("publication") distributed to a plurality of publication subscribers via a data network, a method of sending to a publication subscriber, at least one of either: paid advertising messages or content advertising messages;

said method comprising the steps of:

reading from a server, a user profile for said subscriber;

automatically tracking publication distribution to various recipient subscribers, including recording times during the day that the subscriber requests files of the publications;

determining the subscriber's publication usage levels from data in said user profile, the recorded times, the files that the subscriber requested, whether the subscriber requested a download of particular known type of file and the automatically tracked publication distribution, wherein the data includes historical data on the subscriber's usage of on-line publications;

~~if the subscriber's usage level is determined to be above a first predetermined level ("high") sending the subscriber a targeted paid advertisement if~~  
it is determined from historical usage level data that the subscriber is a high frequency user, sending the subscriber paid advertising and not sending additional on-line publications;

~~if the subscriber's usage level is determined to be below a second predetermined threshold, ("low")~~  
if it is determined that the subscriber is a low frequency user, as determined by the number of publications sent to the subscriber and the number of times the publications were sent from empirical data, sending the subscriber a list of publications related to any one or more that the subscriber already receives and a targeted content advertisement for the publication in which said targeted content advertisement is placed.

2. (original) The method of claim 1 wherein said step of sending a targeted content advertisement is further comprised of the step of:

selecting a content advertisement for transmission to the user, the selection of which is based upon at least one of:  
data in said user profile; and  
advertising space available in said publication for content advertising usage.

3. (original) The method of claim 1 wherein said step of sending a targeted content advertisement is further comprised of the step of:

selecting a content advertisement for transmission to the user, the selection of which is based upon at least one of:  
data in said user profile; and  
advertising space available in said publication for content advertising usage; and  
including in said content advertisement, a sample of the specified content and instructions as to how to continue to receive said specified content via said publication.

4. (original) The method of claim 1 wherein said step of sending a targeted content advertisement is further comprised of the step of:

selecting a content advertisement for transmission to the user based upon said user profile and the advertising space available for content advertising usage;  
including in said content advertisement a sample of the specified content and instructions as to how to receive said content;  
assembling said content advertisement and said sample of the specified content into a data package and transmitting the data package to the subscriber via said data network.

5. (original) The method of claim 1 further comprised of the steps of:  
detecting via said data network, the subscriber's request for continued delivery of said specified content via said data network;  
modifying data in the user profile to reflect the subscriber's request for continued delivery of said specified content.

6. (original) The method of claim 1 further comprised of the steps of:  
detecting via said data network, the subscriber's request for continued delivery of said specified content via said data network;  
modifying data in the user profile to reflect the subscriber's request for continued delivery of said specified content;  
monitoring the subscriber's usage levels of said publication.

7. (currently amended) In an on-line publication ("publication") distributed to a plurality of publication subscribers via a data network, a method of sending to a publication subscriber, at least one of either: paid advertising messages or content advertising messages;

said method comprising the steps of: reading from a server for said publication, a user profile for the subscriber;

automatically tracking publication distribution to various recipient subscribers, including recording times during the day that the subscriber requests files of the publications;

determining the subscriber's publication usage levels from data in said user profile, the recorded times, the files that the subscriber requested, whether the subscriber requested a download of particular known type of file and the automatically tracked publication distribution, wherein the data includes historical data on the subscriber's usage of on-line publications;;

~~if the subscriber's usage level is above a first predetermined level ("high") sending the subscriber a targeted paid advertisement~~ if it is determined from historical usage level data that the subscriber is a high frequency user, sending the subscriber paid advertising and not sending additional on-line publications;

~~if the subscriber's usage level is below a second predetermined threshold, ("low")~~ if it is determined that the subscriber is a low frequency user, as determined by the number of publications sent to the subscriber and the number of times the publications were sent from empirical data, sending the subscriber a list of publications related to any one or more that the subscriber already receives and a targeted content advertisement for the

publication, said targeted content advertisement being selected based upon at least one of:

- data in said user profile; and
- advertising space available in said publication for content advertising usage; and
- including in said content advertisement a sample of the specified content and instructions as to how to receive said content.

8. (currently amended) In an on-line publication ("publication") distributed to a plurality of publication subscribers via a data network, a method of sending to a publication subscriber, at least one of either: paid advertising messages or content advertising messages;

said method comprising the steps of:

- reading from a server for said publication, a user profile for the subscriber, automatically tracking publication distribution to various recipient subscribers, including recording times during the day that the subscriber requests files of the publications;

- determining the subscriber's publication usage levels from data in said user profile, the recorded times, the files that the subscriber requested, whether the subscriber requested a download of particular known type of file and the automatically tracked publication distribution, wherein the data includes historical data on the subscriber's usage of on-line publications;;

- ~~if the subscriber's usage level is above a first predetermined level ("high")~~  
sending the subscriber a targeted paid advertisement if it is determined from historical usage level data that the subscriber is a high frequency user, sending the subscriber paid advertising and not sending additional on-line publications;

- ~~if the subscriber's usage level is below a second predetermined threshold, ("low")~~  
if it is determined that the subscriber is a low frequency user, as determined by the number of publications sent to the subscriber and the number of times the publications were sent from empirical data sending the subscriber a list of publications related to any one or more that the subscriber already receives and a targeted content advertisement for the publication, said targeted content

advertisement being selected based upon at least one of:

data in said user profile; and

advertising space available in said publication for content advertising usage;

and

including in said content advertisement a sample of the specified content and instructions as to how to receive said content;

detecting the subscriber's request for continued delivery of said specified content via said data network;

modifying data in the user profile to reflect the subscriber's request for continued delivery of said specified content.

9. (currently amended) In an on-line publication ("publication") distributed to a plurality of publication subscribers via a data network, a method of sending to a publication subscriber, at least one of either: paid advertising messages or content advertising messages;

said method comprising the steps of:

reading from a server for said publication, a user profile for the subscriber;

automatically tracking publication distribution to various recipient subscribers, including recording times during the day that the subscriber requests files of the publications;

determining the subscriber's publication preferences from data in said user profile, the recorded times, the files that the subscriber requested, whether the subscriber requested a download of particular known type of file and the automatically tracked publication distribution, wherein the data includes historical data on the subscriber's usage of on-line publications;;

~~if the subscriber's usage level is above a first predetermined level, ("high") sending the subscriber a targeted paid advertisement consistent with the subscriber's determined preferences~~ if it is determined from historical usage level data that the subscriber is a high frequency user, sending the subscriber paid advertising and not sending additional on-line publications;

~~if the subscriber's usage level is below a second predetermined threshold,~~  
(~~"low"~~) if it is determined that the subscriber is a low frequency user, as determined by the number of publications sent to the subscriber and the number of times the publications were sent from empirical data sending the subscriber a list of publications related to any one or more that the subscriber already receives and a targeted content advertisement consistent with the subscriber's determined preferences.

10. (original) The method of claim 9 wherein said step of sending a targeted content advertisement is further comprised of the step of:

selecting a content advertisement for transmission to the user, the selection of which is based upon at least one of:

data in said user profile; and

advertising space available in said publication for content advertising usage.

11. (original) The method of claim 9 wherein said step of sending a targeted content advertisement is further comprised of the step of:

selecting a content advertisement for transmission to the user, the selection of which is based upon at least one of:

data in said user profile; and

advertising space available in said publication for content advertising usage;

and

including in said content advertisement a sample of the specified content and instructions as to how to receive said content.

12. (original) The method of claim 9 wherein said step of sending a targeted content advertisement is comprised of the step of:

selecting a content advertisement for transmission to the user based upon at least one of:

data in said user profile; and

advertising space available for content advertising usage; and

including in said content advertisement a sample of the specified content and instructions as to how to receive said content;

assembling said content advertisement and said sample of the specified content into a data package and transmitting the data package to the subscriber.

13. (original) The method of claim 9 further comprised of the steps of:  
detecting the subscriber's request for continued delivery of said specified content;  
modifying data in the user profile to reflect the subscriber's request for continued delivery of said specified content.

14. (original) The method of claim 9 further comprised of the steps of:  
detecting the subscriber's request for continued delivery of said specified content;  
modifying data in the user profile to reflect the subscriber's request for continued delivery of said specified content;  
monitoring the subscriber's usage levels.

15. (currently amended) In an on-line publication system which distributes an on-line publication to a plurality of subscribers via a data network an apparatus for distributing to a subscriber, at least one of either: a paid advertising message or a content advertising message, said apparatus comprised of:

a first computer coupled to said data network and having access to a user profile for a subscriber;

a second computer coupled to said data network and for automatically tracking publication distribution to various recipient subscribers, including recording times during the day that the subscriber requests files of the publications and determining the subscriber's publication usage level from data in said user profile, the recorded times, the files that the subscriber requested, whether the subscriber requested a download of particular known type of file and the automatically tracked publication distribution, wherein the data includes historical data on the subscriber's usage of on-line publications, and for:

~~transmitting to said subscriber, a targeted paid advertisement consistent with the subscriber's determined preferences if the subscriber's usage level is above a~~

first predetermined level ("high") if it is determined from historical usage level data that the subscriber is a high frequency user, sending the subscriber paid advertising and not sending additional on-line publications;

transmitting to said subscriber, a targeted content advertisement consistent with the subscriber's determined preferences if the subscriber's usage level is below a second predetermined threshold, ("low") if it is determined that the subscriber is a low frequency user, as determined by the number of publications sent to the subscriber and the number of times the publications were sent from empirical data, sending the subscriber a list of publications related to any one or more that the subscriber already receives and a targeted content advertisement for the publication in which said targeted content advertisement is placed.



16. (currently amended) In an on-line publication system, which distributes an on-line publication to a plurality of subscribers via a data network, an apparatus for distributing to a subscriber, at least one of either: a paid advertising message or a content advertising message,

said apparatus comprised of:

a computer means for:

accessing a user profile for a subscriber;

automatically tracking publication distribution to various recipient subscribers, including recording times during the day that the subscriber requests files of the publications;

determining from data in the user profile, the subscriber's publication